

Court of Appeals, State of Michigan

ORDER

Erik Barnett v USAA Casualty Insurance Company

Docket No. 356291

LC No. 19-006605-NF

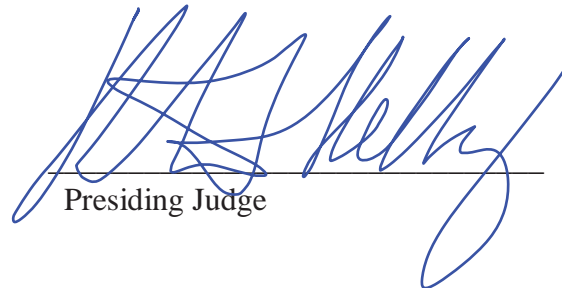
Kirsten Frank Kelly
Presiding Judge

Christopher M. Murray

Cynthia Diane Stephens
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting leave to appeal, we REVERSE the Wayne Circuit Court's March 8, 2021 order granting summary disposition to defendant Progressive Insurance Company of Michigan and REMAND for further proceedings consistent with this order. In light of the material factual disputes posed by the conflicting evidence presented by the parties below, the circuit court erred by holding that judgment as a matter of law was appropriate concerning plaintiff's domicile on the date of the subject accident. See MCL 500.3114(1); *Grange Ins Co of Mich v Lawrence*, 494 Mich 475, 490-494, 497 & n 41; 835 NW2d 363 (2013); *Barnes v 21st Century Premier Ins Co*, ___ Mich App ___, ___; ___ NW2d ___ (2020) (Docket No. 347120), slip op at 9 ("the trial court did not err by denying . . . summary disposition because there was a genuine issue of material fact regarding whether [plaintiff] Barnes was domiciled in the same household as his grandparents").

This order is to have immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

May 18, 2021

Date



Chief Clerk